IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

AMERICAN C	IVIL RIGHTS UNION,	§	
in its individua	and corporate capacities	§	
	Plaintiff,	§	
		§	
v.		§	Civil Action No. 7:16-cv-00103
		§	
ELECTION AI	DMINISTRATOR	§ -	
JOHN RODRIG	GUEZ, in his official capacity;	§ =	
and TEXAS SE	CRETARY OF STATE	§	
ROLANDO PA	BLOS, in his official capacity,	§	
	Defendants.	§ ·	

DEFENDANT RODRIGUEZ'S SECOND MOTION TO DISMISS

TO THE HONORABLE JUDGE OF THIS COURT:

Defendant Starr County Elections Administrator John Rodriguez, ("Defendant Rodriguez") files this Second Motion to Dismiss. In support hereof, Defendant Rodriguez offers the following:

THE UNCLEAN HANDS DOCTRINE

The doctrine of clean hands states that 'he who comes into equity must come with clean hands.' In this case, the Plaintiff does not come before this Court with clean hands when they request injunctive relief in equity. Plaintiff abused the discovery process in this case to develop and make false public accusations against Defendant Rodriguez and slanderously stated that several deceased registrants voted after they died, including a respected Retired Starr County District Judge. Therefore, the actions by Plaintiff constitute a violation of the clean hands doctrine and the Court should deny all relief requested by Plaintiff in this case for this abuse of discovery and its efforts to publicly defame the Defendant, other Starr County officials, denigrate the

reputation and credibility of Defendant before the public, state officials and this Honorable Court, and improperly influence the potential jury pool and finder of fact.

The maxim of clean hands is a common law doctrine that closes the doors of a court of equity to one tainted with bad faith relative for the matter in which he seeks relief, however improper may have been the behavior of the defendant. *Precision Instrument Mfg. Co. v. Auto. Maint. Mach. Co.*, 324 U.S. 806, 814–15 (1945). A party to a suit in equity, in order to obtain the relief sought, must not have been guilty of reprehensible conduct directly connected with the matter in controversy. The doctrine is founded in the historical concept of the courts of equity, which enforce conscience and good faith, and in where the court refuses to be made a party to inequity. *Id.* Equity requires that a claimant act fairly and without fraud or deceit as to the controversy at issue. *Keystone Driller Co. v. Gen. Excavator Co.*, 290 U.S. 240, 245 (1933)

"Under Texas law, "[t]he clean hands doctrine requires that one who seeks equity, does equity." Bagby Elevator Co., Inc. v. Schindler Elevator Corp., 609 F.3d 768, 774 (5th Cir. 2010) quoting Dunnagan v. Watson, 204 S.W.3d 30, 41 (Tex. App.—Fort Worth 2006, pet. denied). "It is a fundamental principle of equity jurisprudence that a court of equity will exercise its extraordinary powers only for the enforcement of the requirements of conscience, and in enforcing them it demands conscientiousness in the parties. He that cometh into equity must have clean hands." Primeau v. Granfield, 193 F. 911 (2d Cir. 1911). It is the moral intent of the party seeking relief, not the actual injury done, that is controlling in determining if a party has unclean hands. "What is material is not that the plaintiff's hands are dirty, but that he dirtied them in acquiring the right he now asserts, or that the manner of dirtying renders inequitable the assertion of such rights against the defendant." Thomas P. Carney, Inc. v. School Dist., 633 F.Supp. 1273, 1285 (E.D.Pa.1986). In applying the clean hands maxim, the court is concerned primarily with its

own integrity as a forum of equity. Consequently, whether the defendants were directly injured by the claimed wrongdoing is irrelevant. *Ne. Women's Ctr., Inc. v. McMonagle*, 665 F. Supp. 1147, 1154–55 (E.D. Pa. 1987), aff'd in part and remanded, 868 F.2d 1342 (3d Cir. 1989).

A clean hands defense requires the defendants to make two showings. First, a defendant must establish that the plaintiff's conduct is inequitable. Second, a defendant must show that the plaintiff's inequitable conduct relates to the subject matter of the plaintiff's claim. *Id.* "It is sufficient to bar relief that plaintiff has been guilty of unconscionable conduct directly related to the cause of action, such as the fabrication of testimony, the subornation of perjury or other like attempt to perpetrate a fraud upon the court or take an unconscionable advantage of his adversary." *Mas v. Coca-Cola Co.*, 163 F.2d 505, 508 (4th Cir. 1947).

Plaintiff promulgated a false allegation that Starr County officials had allowed votes to be cast by deceased persons and posted a news story on its fund raising website under the banner "Attorney General Paxton Uncovers Dead Voters in Texas" stating that former District Judge Blas Chapa voted after he died. The banner posted on the front page of the website by Plaintiff links to a story published by Brietbart.com that states:

This stunning information surfaced at a February Senate Select Committee on Election Security meeting when Brantley Starr, deputy first assistant to the AG, gave a "shout out" to the retired district judge born in 1930 who remains on the registration rolls despite his death nearly eight years ago. "The interesting thing that's remarkable of him voting three times in his 80's is he died in May of 2010," remarked Starr. That voter was Starr County Judge Blas Chapa, whose obituary ran in *The Monitor* within days of his passing. KRGV obtained the late judge's voting records from the Texas Secretary of State. They showed Chapa voted right up to two months before he died. His voter registration account status remains "active" and, as noted, he voted three times since he died. Records indicate that despite his May 2010 death, he's credited for casting a regular ballot in November 2010, plus the 2016 primary and general elections. The AG's office said they learned about Chapa's post-mortem voting record after it surfaced in discovery in a civil lawsuit against Starr County's voter registration record maintenance practices.

¹ http://www.theacru.org/attorney-general-paxton-uncovers-dead-voters-in-texas/

Exhibit A (emphasis added). Deputy First Assistant Brantley Starr made this statement in testimony before the Texas Senate Select Committee on Election Security.² During his testimony, Mr. Starr stated that the Texas Attorney General learned of Judge Chapa's alleged voting after his death from a plaintiff in a federal civil lawsuit relating to Starr County voter registration. It is apparent that Mr. Starr and the Texas Attorney General received this false information from the Plaintiff in this case. There is no other federal civil lawsuit regarding voter registration pending against Starr County.

It is unknown at this time how exactly this information was relayed to Mr. Starr, but clearly the false information was provided by the Plaintiff in this case. Further, Plaintiff is aware that this allegation is untrue. A cursory review of the applicable voting records, copies of which are attached, confirm that Judge Chapa last voted in the primary election in March of 2010. He died in May, 2010 and no votes have been cast in his name since. Blas Chapa, Jr., the son of Judge Chapa, and Blas Chapa, III, the grandson of Judge Chapa, are very much alive and have continued to vote. Exhibit B. Plaintiff made no effort to substantiate this false allegation before distributing it to the public, the Texas Attorney General and others. In recently produced discovery documents, Plaintiff produced the voter history list of all registered voters in Starr County. Exhibit C, Bates No. ACRU 806⁴. According to Plaintiff's own records, Judge Chapa did not vote after he died. The failure to even review its own documents before releasing this scurrilous accusation demonstrates callous disregard for the truth. Nevertheless, Plaintiff provided this false allegation

² http://tlcsenate.granicus.com/MediaPlayer.php?view_id=44&clip_id=13172

³ Brantley Starr's uncle, Kenneth Starr, serves as a member of Plaintiff ACRU's Policy Board Emeritus. http://www.theacru.org/policy-board/

⁴ This document was produced to Defendant Rodriguez in a Notepad document that is both voluminous and difficult to read. While a reader is able to find the voting record of Judge Chapa in the document, it was not presented in a printable format. Therefore, a CD with Bates ACRU 806 has been provided to the court along with a paper copy of this motion.

to the Texas Attorney General, posted it on its fundraising website, and continued to repeat it as recently as last week.

Since the publication of this unsubstantiated allegation, several area news organizations have repeated the false charge, including the McAllen Monitor and KRGV television. This cynical attempt by the Plaintiff to inject false allegations of voter fraud into this case and defame the Defendant and other Starr County officials requires redress. It constitutes both an abuse of discovery and an attempt to influence the Court and poison the potential jury pool should this case proceed to trial. The Court should dismiss Plaintiff's suit in its entirety and deny all claims for equitable relief because Plaintiff comes before this court with unclean hands through its attempt to perpetrate a fraud upon the court and take an unconscionable advantage of Defendant Rodriguez through false allegations. Plaintiff's conduct is both inequitable and relates to the subject matter of this suit. *Coca-Cola Co.*, 163 F.2d at 508.

Plaintiff also produced an "audit" of the Starr County voter registration list. Exhibit D, Bates Nos. ACRU 762-764. The "audit" consists of a two-page report created by an unknown person on behalf of the Plaintiff. This "audit" was submitted by Plaintiff to Defendant as part of Plaintiff's discovery responses. Plaintiff is required to exercise due diligence to insure the accuracy of such documents. Attached to the report is a spreadsheet that purports to identify individual registered voters who were improperly registered for various reasons. One of the purported reasons was that certain registrants had voted after they died. However, these allegations are false. Exhibit E, voter histories of Julia Quintanilla, Maria Munoz, Sabas Guerra, and Elodia Lozano. No votes were cast in the name the voters identified by Plaintiff's "audit" after the date

⁵ http://www.themonitor.com/news/local/article_f87af8f8-200e-11e8-8e51-4b4acc0e5144.html; https://empowertexans.com/around-texas/third-voter-fraud-arrest-south-texas/; http://www.krgv.com/story/37670707/starr-co-election-fraud-case-reveals-votes-cast-by-those-deceased; http://www.freerepublic.com/focus/f-news/3638890/posts

they died. Notably Judge Chapa was not listed in this "audit," indicating that Plaintiff was aware of the seriousness and lack of variety of the allegations. In any case, none of the voters identified by Plaintiff cast a ballot after dying, as Plaintiff alleged. The injection of these false allegations into the proceedings of this case clearly demonstrate the further attempts by Plaintiff to intimidate the election officials of Starr County by the use of false accusations. Such abusive tactics have no place in our Courts and deserve severe sanctions.

PRAYER

Wherefore, Defendant Rodriguez prays that the Court dismiss Plaintiff's suit in its entirety and deny all claims for equitable and injunctive relief, and to all other relief to which Defendant Rodriguez may be entitled.

Respectfully submitted

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CERTIFICATE OF SERVICE

I certify that a copy of the Defendant Rodriguez's Second Motion to Dismiss was served electronically to the following on this 2nd day of April 2018:

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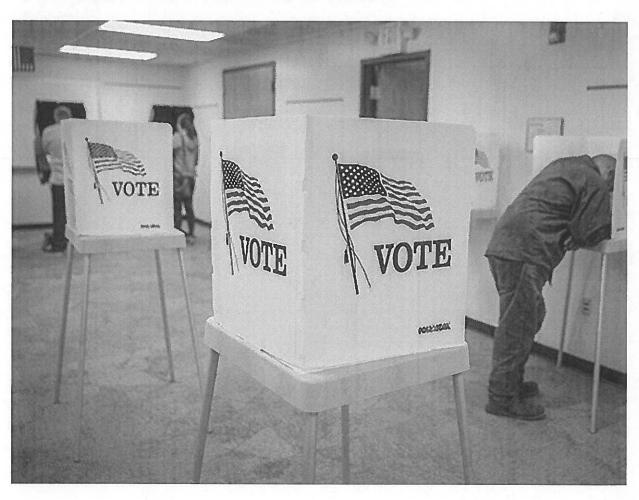
EXHIBIT A

http://www.breitbart.com/texas/2018/03/09/texas-ag-probing-border-county-judge-voting-years-death/#gsc.tab=0&gsc.q=texas%7C2018%7C20probing%7Cborder%7Ccounty%7Cjudge

THE OFFICIAL BREITBART STORE



Texas AG Probing Border County Judge 'Voting' Years After Death



http://www.breitbart.com/texas/2018/03/09/texas-ag-probing-border-county-judge-voting-years-death/#gsc.tab=0&gsc.q=texas%7C2018%7C20probing%7Cborder%7Ccounty%7Cjudge

Texas Attorney General Ken Paxton is investigating a case of purported voter fraud where a border county judge, who, although dead since 2010, continues to vote.

This stunning information surfaced at a February <u>Senate Select Committee on Election</u> <u>Security</u> meeting when Brantley Starr, deputy first assistant to the AG, gave a "shout out" to the retired district judge born in 1930 who remains on the registration rolls despite his death nearly eight years ago.

"The interesting thing that's remarkable of him voting three times in his 80's is he died in May of 2010," remarked Starr.

That voter was Starr County Judge Blas Chapa, whose <u>obituary</u> ran in *The Monitor* within days of his passing. KRGV <u>obtained</u> the late judge's voting records from the Texas Secretary of State. They showed Chapa voted right up to two months before he died. His voter registration account status remains "active" and, as noted, he voted three times since he died. Records indicate that despite his May 2010 death, he's credited for casting a regular ballot in November 2010, plus the 2016 primary and general elections.

The AG's office said they learned about Chapa's post-mortem voting record after it surfaced in discovery in a civil lawsuit against Starr County's voter registration record maintenance practices.

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In March 2016, the Public Interest Legal Foundation (PILF), an election integrity law firm, filed a civil lawsuit in federal court on behalf of the American Civil Rights Union (ACRU) against the Starr County election administrator. The court documents alleged the county failed to utilize reasonable efforts to keep voter rolls maintained properly to avoid fraud and other irregularities. The complaint alleged that county rolls contained more registered voters than citizens resident in Starr at the time.

The National Voter Registration Act (NVRA), more commonly known as the "motor voter" law, <u>requires</u> states to "implement procedures to maintain accurate and current voter registration lists."

Additionally, the <u>Texas Election Code</u> requires that a notice gets sent to a local voter registrar and the Secretary of State to ensure a death is recorded. At the Senate committee meeting, Starr County District Attorney Omar Escobar, Jr., said something failed in the process and the death certificate never made it to the elections administration office for processing.

Breitbart Texas obtained a court document filed by the ACRU in the Starr County case. It alleges innumerable voter registration list failures of the elections administrator, including leaving dead registrants in the system, despite having access to the information about the deceased.

The filing makes the alarming observation that, "written statements were provided by multiple people about a volunteer deputy voter registrar informing noncitizens that they

http://www.breitbart.com/texas/2018/03/09/texas-ag-probing-border-county-judge-voting-years-death/#gsc.tab=0&gsc.q=texas%7C2018%7C20probing%7Cborder%7Ccounty%7Cjudge

may register to vote and, upon learning such allegations, [Starr County] did not even contact the accused registrar to investigate further."

It also cited examples of improper registration conduct in cases where applicants did not provide the requisite data for their ballots, some who improperly provided a P.O. Box as their residential address, and others who were approved to vote even though they marked the citizenship checkbox "no" or left it unchecked, which violates Texas and federal law.

In January, Breitbart Texas <u>reported</u> that Escobar vowed to crack down on voter fraud in response to questionable voter rolls and allegations of mail-in ballot application fraud involving, in part, dead voters:

Several requests for a mail ballot contained false details about the alleged applicants while at least one was filled in the name of a deceased person still listed as a registered voter. The DA also gave the elections department a list of those convicted of felonies, including those who are on felony probation and ineligible to vote for the purpose of removing them from the rolls.

The Texas Legislature passed Senate Bill 5 (SB 5) last special session which makes it a crime to give false information on a voter application. It also provides for a criminal penalty to apply in the name of a potential voter without their consent. The offense is a felony. Paxton responded to Escobar's stance by <u>assisting</u> with the county's voter fraud prosecutions. To date, seven people have been arrested.

The late Judge Chapa rose to national media attention in the 1990s when the State of Texas accused him and a business partner of operating as a slum lord in the border adjacent "colonias," home to significant numbers of Mexican immigrants. Texas demanded \$21.6 million related to claims that he sold plots of land to homeowners without the locally-required roads, sewers, and other utilities necessary for closing a sale. <u>The New York Times</u> noted in 1995 that Chapa was operating an illegal trash dump that he later covered to develop more residential plots.

Starr County, located on the U.S.-Mexico Border, is part of the combined Rio Grande City and McAllen-Edinburg statistical area. It is one of 13 Texas counties with more registered voters than eligible residents, according to the Public Interest Legal Foundation.

Breitbart Texas <u>reported</u> PILF recently put <u>Bexar</u> and <u>Harris</u> counties on notice for failing to disclose noncitizen registered voter records. Federal lawsuits may follow this year. PILF argues that the NVRA allows them public inspection rights of voter maintenance records. *Follow Merrill Hope, a member of the original Breitbart Texas team, on <u>Twitter</u>.*

Read More Stories About:

2018 Elections, Breitbart Texas, Pre-Viral, American Civil Rights Union, National Voter Registration Act, Public Interest Legal Foundation, Starr County, Starr County District Attorney Omar Escobar, Texas Senate Bill 5

EXHIBIT B

	Voter Name EDR V	QINA			Voter Address	frees			
	BLAS CHAPA 03/01/1976 1006	1006069687 8 MILI	ES EAST OF RIO	SRANDE CITY ON EAST S	IDE OF HWY 83,2-	STO RIO GRANI	8 MILES EAST OF RIO GRANDE CITY ON EAST SIDE OF HWY 83,2-STO RIO GRANDE CITY 78582 COUNTY: 214 - PRECINCT: 8	I - PRECINCT: 8	
								The state of the s	
ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT BALLOT TYPE	BALLOT	REJECTION	ENVELOPE/PROVISIONAL TRACKING ID	POLL PLACE	COUNTY VOTE CAST
03/02/2010	2010 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT	8 ELECTION DAY BALLOT				OLD LA UNION	STARR
10/31/2008	2008 NOVEMBER 4TH GENERAL ELECTION	GENERAL ELECTION		8 EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR
11/04/2008	2008 NOVEMBER 4TH - RIO GRANDE CITY ISD	LOCAL ELECTION		8 ELECTION DAY BALLOT	ACCEPTED			OLD LA UNION ELEMENTARY	STARR
02/28/2008	2808 REPUBLICAN PRIMARY ELECTION	PRIMARY	REPUBLICAN	8 EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR
11/01/2007	2007 NOVEMBER 6TH GENERAL ELECTION	GENERAL ELECTION		8 EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY	STARR
11/07/2006	2006 - NOVEMBER 7 - GENERAL ELECTION	GENERAL ELECTION		8 ELECTION DAY BALLOT	ACCEPTED				STARR
11/02/2004	2004 - NOVEMBER 2ND - GENERAL ELECTION	GENERAL ELECTION		8 ELECTION DAY BALLOT	ACCEPTED				STARR
03/09/2004	2004-MARCH 9TH GENERAL PRIMARY ELECTION	PRIMARY		8 ELECTION DAY BALLOT	ACCEPTED				STARR
09/13/2003	2003 - SEPT. 13TH CONSTITUTIONAL ADMEND. ELECTION	GENERAL ELECTION		8 ELECTION DAY BALLOT	ACCEPTED				STARR
11/05/2002	2002-NOVEMBER 5TH GENERAL ELECTION	GENERAL ELECTION		8 ELECTION DAY BALLOT	ACCEPTED				STARR
04/09/2002	2002 - APRIL 9TH PRIMARY RUNOFF ELECTION	PRIMARY RUN-OFF ELECTION		8 ELECTION DAY BALLOT	ACCEPTED				STARR
03/12/2002	2002 - MARCH 12TH GENERAL PRIMARY ELECTION PRIMARY	N PRIMARY		9 ELECTION DAY BALLOT	ACCEPTED				STARR
03/14/2000	2000 -MARCH 14TH GENERAL PRIMARY ELECTION PRIMARY	PRIMARY		8 ELECTION DAY BALLOT	ACCEPTED				STARR
11/03/1998	1998 NOVEMBER 3RD GENERAL ELECTION	GENERAL ELECTION		8 ELECTION DAY BALLOT	ACCEPTED				STARR
03/10/1998	1998 GENERAL PRIMARY ELECTION	PRIMARY		8 ELECTION DAY BALLOT	ACCEPTED				STARR

3/26/2018

New Voter Registration

Voter Info	rmation P	revious Nan	e, Address &	Status	Voter Parti	cipation Histo	ry Audi	it History	View Con	rne	
Rej./Canc.	History \	oter Election	n Ballot Style	ne person in the same	ite History	e e e e e e e e e e e e e e e e e e e			110014 70511	,,,,,,	
	v	oter Name	-	EĎR	*	Vuib		Votor	Address		666666-Dun-Silling-obstangering-pg
	BLA	S CHAPA JR	03/	01/1976		6069673		52 SOUTH	OAK STREET CITY 7858		
ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT	BALLOT STATUS	REJECTION REASON	ENVELOPE TRACKING	/PROVISIONA	L POLL PLACE	COUNT
02/24/2018	2018 MARCH 6TH DEMOCRATI PRIMARY		DEMOCRAT	2	EARLY VOTING BALLOT	ACCEPTED				EARLY	STAR
11/08/2016	2016 NOVEMBER 8TH GENERAL ELECTION	GENERAL ELECTION		2	ELECTION DAY BALLOT	ACCEPTED				ELECTION DAY	STARF
02/24/2016	2016 MARCH 1ST DEMOCRATIO PRIMARY		DEMOCRAT	2	EARLY VOTING BALLOT	ACCEPTED					STARF
10/21/2014	2014 RGCCISD BOARD OF TRUSTEES ELECTION	LOCAL ELECTION		2	EARLY VOTING BALLOT	ACCEPTED				EL CENIZO PARK	STARF
10/21/2014	2014 NOVEMBER 4TH GENERAL ELECTION	GENERAL ELECTION		2	EARLY VOTING BALLOT	ACCEPTED				EARLY	STARF
10/23/2012	2012 NOVEMBER 6TH GENERAL ELECTION	GENERAL ELECTION		2	EARLY VOTING BALLOT	ACCEPTED				EL CENIZO PARK	STARR
05/29/2012	2012 MAY 29TH REPUBLICAN PRIMARY		REPUBLICAN	2	ELECTION DAY BALLOT	ACCEPTED				ROQUE GUERRA JR ELEMENTARY	STARR
05/07/2012	2012 CITY OF RIO GRANDE CITY ELECTION				EARLY VOTING BALLOT	ACCEPTED		i		OLD RINGGOLD ELEMENTARY SCHOOL EARLY VOTING	STARR
1/02/2010	2010 NOVEMBER 2ND - RIO GRANDE CITY ISD	LOCAL			ELECTION DAY BALLOT	ACCEPTED				NORTH GRAMMAR ELEMENTARY	STARR
1/02/2010	2010 NOVEMBER 2ND GENERAL ELECTION	GENERAL ELECTION			ELECTION DAY BALLOT	ACCEPTED				NORTH GRAMMAR ELEMENTARY	STARR
	2010 DEMOCRATIC PRIMARY ELECTION		DEMOCRAT		ELECTION DAY BALLOT	ACCEPTED				NORTH GRAMMAR ELEMENTARY	STARR
	2008 NOVEMBER 4TH - RIO GRANDE CITY ISD	LOCAL ELECTION		- 1	EARLY VOTING BALLOT	ACCEPTED				OLD RINGGOLD ELEMENTARY SCHOOL EARLY VOTING	STARR
	2008 REPUBLICAN PRIMARY ELECTION	PRIMARY	REPUBLICAN	1	ELECTION . DAY BALLOT	ACCEPTED				NORTH GRAMMAR ELEMENTARY	STARR

3/26/2018 New Voter Registration Inquiry - View Voter Registration Voter Information Previous Name, Address & Status Voter Participation History **Audit History** View Corres. Rej./Conc. History Voter Election Ballot Style **Duplicate History Voter Name** EDR VUID **Voter Address** 352 SOUTH OAK STREET **BLAS CHAPA III** 02/22/2004 1020686274 **RIO GRANDE CITY 78582** ACTIVITY ELECTION ELECTION PRECINCT BALLOT REJECTION ENVELOPE/PROVISIONAL POLL PLACE COUNTY BALLOT PARTY DATE TYPE VOTE CAST IN TYPE STATUS REASON TRACKING ID 05/29/2012 2012 MAY PRIMARY REPUBLICAN 2 ELECTION ACCEPTED ROQUE STARR 29TH DAY GUERRA JR REPUBLICAN BALLOT ELEMENTARY PRIMARY 10/31/2008 2008 GENERAL EARLY VOTING 2 ACCEPTED STARR STARR NOVEMBER **ELECTION** COUNTY 4TH BALLOT COURTHOUSE GENERAL ELECTION 02/28/2008 2008 PRIMARY REPUBLICAN 2 EARLY ACCEPTED STARR STARR REPUBLICAN VOTING COUNTY PRIMARY BALLOT COURTHOUSE ELECTION

Previous

EXHIBIT C

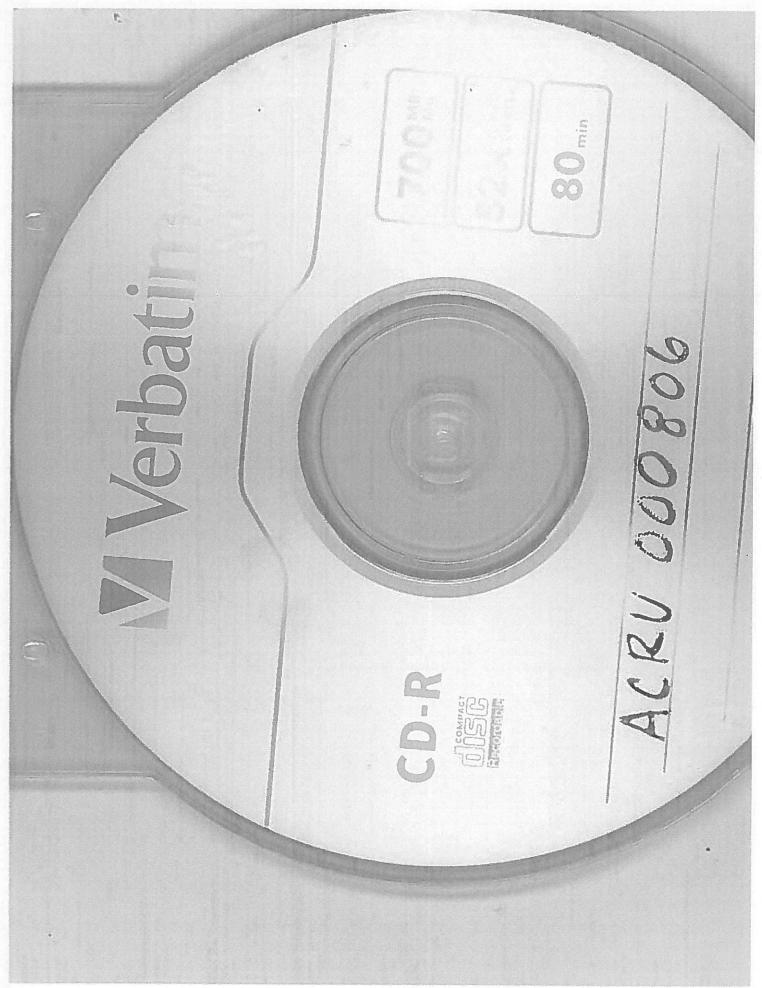


EXHIBIT D

Starr County, TX 'DDD' Audit

Utilizing data released from the Texas Secretary of State, a broad battery audit of Starr County's voter file was performed to determine maintenance flaws related to in-county voter duplication, potential double voting, deceased records and other apparent issues.

A breakdown of findings can be found below.

In-County Voter Duplications

Purpose: In-county duplication occurs for a variety of reasons, particularly when a clerical error in data entry or married name confusion enters into the voter registration procedure. Duplication can risk double voting if left unaddressed or, at the very least, create confusion at poll check-in and create longer queues to vote.

Methodology: Duplicates were initially identified using date of birth and name spelling matches to determine likely voter duplications. Pairs tend to exhibit multiple correlations among data entry points. Efforts to minimize false positives were taken by accounting for suffixes where available and striking name matches with birthdates 16 years apart and beyond—though this proved largely unnecessary due to closeness of data entries.

Findings: Starr County yielded 149 duplicate sets of registered voters.

Potential Voting History Irregularity: Double Voting

Purpose: Duplicated registrants risk receiving multiple voter registration proofs and could manage to cast ballots via mail and in person during a single election. Where double voting does not outright occur, additional risk of confusion upon check-in at polling locations can extend queueing periods.

Methodology: Duplicates discovered were subjected to line-by-line voter history analysis, highlighting records that were given vote history credits in matching elections.

Finding: Of the 149 duplicates, 16 sets were highlighted for potential double voting.

Age Issues: Potentially Deceased Voters and Placeholder DOBs

Purpose: High levels of irregular voter ages can indicate failures to remove outdated files and show sub-standard attention to detail when entering dates of birth at registration.

Methodology: Starr County's file was sorted to identify the number of registered voters (both ACTIVE and SUSPENSE) aged 100 years or older. All were screened against the Social Security Death Index. A separate review sought to identify voters that appear to present a standardized placeholder date of birth due to lacking information.

Findings: A total of 40 registered voters were aged 100+ at the time of the study. Of those, 21 voters were matched and labeled deceased by the Social Security Death Index. Of those matched against SSDI, four (4) are given credits for voting after their respective dates of death. Separately, 16 voters show likely placeholder dates of birth.

Age Issues: Underage Voters

Purpose: Sub-standard attention to detail when entering dates of birth at registration can create the appearance of underage voters in the least, or even leave the documented potential of illegal registrations.

Methodology: The Starr County file was reviewed to identify minors registered at an age younger than 17.

Findings: A total of **5 voters** were apparently registered at age 16 or younger. All were listed as ACTIVE as of the release of the Starr County voter file.

Voter Roll Irregularity: 'Unavailable' Residential Addresses

Purpose: Texas law requires that voter applicants provide full addresses or descriptions of the same for their residence of record with the option to dedicate a separate mailing address. This study seeks to identify records not fitting either requirement governing residential addresses.

Methodology: Star County's data was sorted to identify incomplete address records.

Finding: 63 records were flagged for missing residential addresses. Each record notes "UNAVAILABLE LOCATION" where a street number and name would be given and denotes the city and ZIP code for each. Every record indicates a PO Box as a mailing address.

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																																										2			May 29,2012 / Nov 4, 2014					
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HISPANICY Votes	٨	*	*	*	*	>	_	> :	> :			- >	. >	. >	. >-	>	>	>	>	>	> :	>	- :	- :		>	- >	- >	. >-	*	>	>	>	> :	- >	. >		>	>	>	>		> >	- >	*	>	>	≻ :	> >	- >-
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LAST NAME	CANALES	CANTU	CARRION	GARCIA	GONZALEZ	GONZALEZ	UCBRIANINEZ	I DBEZ	10957	Z3601	MORADA	OLVERA	PEREZ	TREVINO	ALANIZ	ALANIZ	ORTIZ	MORALES	AGUILAR	GUERRA	HINDIOSA	CABZA	GARCIA	ROSA	ARAUJO	GARCIA	ROSALES	RIVERA	RAMIREZ	GARCIA	NARANJO	GARZA	CABCIA	VILLARREAL	HINOJOSA	ALMAGUER	QUINTANKLA	MONTOYA	ZUNIGA	ALIMACAR	MHIMO	MEDELE7	HERNANDEZ	Z3401	GUERRA	Z3401	CARRANZA	PFREZ	TREVINO	LOZANO
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Last Residence																	8/18/1989 451-20-1025 78582 Rio Grande City, S U.S., Social Se		2/8/2007 2/8/2007 78582 Rio Grande City, 5 U.S., Sociol Se	1/1/1963 433-16-13563 76362 NIO CHRITCH CRV, 2 U.S., SOCION SE	78582 Rio Grande City 5 175 Sociol Se		78584 Roma, Starr. Texa 11.5. Sociol Se	78582 Ro Grande City, 5 U.S. Social Se	2/17/2006 462-11-7882 78584 Roma, Starr, Texa U.S., Sociol Se	1/15/2004 465-24-8293 78405 Corpus Christi, Nr. U.S., Social Se				78585 Salineno, Starr, Te U.S., Social Se		78582 Rio Grande City, 5 U.S., Social Se			7/1/1983 461-03-1905 78582 Rio Grande City, S U.S., Sociol Se			78573 Mission, Hidalgo, U.S., Social Se	78584 Koma, Skarr, Texa U.S., Sociol Se		78587 Rio Grande City, C. I.C. Social Co.		78584 Roma, Starr, Texa U.S., Social Se		78584 Roma, Starr, Texa U.S., Sociol Se					78582 Rio Grande City, 5 U.S., Sociol Se
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EXHIBIT E

Voter Infor	mation Pre	vious Name	, Address &	Status [Voter Partie	cipation Hist	ory Aud	it History View Co	res.	
Rej./Canc.	History Vo	ter Election	Ballot Style	Duplic	ate History		4			
	Voter	Name	EDR	VUIC)		Voter	Address		
	JULIA QUI	NTANILLA	03/05/2000	1011639	9813 MOR	ELOS ST RO		COUNTY: 214 - PREC	INCT: 6	
ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS	REJECTION REASON	ENVELOPE/PROVISIONA TRACKING ID	L POLL PLACE	COUNTY VOTE CAST IN
05/16/2012	2012 MAY 29TH DEMOCRATIC PRIMARY	PRIMARY	DEMOCRAT	6	ABSENTEE BALLOT	RECEIVED		SOS180891		STARR
05/08/2010	2010 MAY 8TH - ROMA ISD	LOCAL ELECTION		6	ELECTION DAY BALLOT	ACCEPTED			F J SCOTT ELEMENTARY	STARR
02/10/2010	2010 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT		ABSENTEE BALLOT	REJECTED		99459		STARR
11/07/2006	2006 - NOVEMBER 7 - GENERAL ELECTION	GENERAL ELECTION		6	ELECTION DAY BALLOT	ACCEPTED				STARR
03/09/2004	2004-MARCH 9TH GENERAL PRIMARY ELECTION	PRIMARY			ELECTION DAY BALLOT	ACCEPTED .				STARR
03/14/2000	2000 -MARCH 14TH GENERAL PRIMARY ELECTION	PRIMARY			ELECTION DAY BALLOT	ACCEPTED				STARR

Previous

oter Infor	mation Pre	Viuus Nam	ie, Address &	Status	Voter P	articipation	History	Audit History	View Corres.	
Rej./Canc.	History Vol	ter Election	n Ballot Style	Dupli	cate Histo	ory		The second secon	de montre sint en en en anne de subfinite servique. I manuschen di delmakele yen fastanspre	
	Voter	· Name	EI	DR	\	/UID		Voter Address	\$	
	MARIA	MUNOZ	05/13	/2007	1142	2908770	18	ESCOBARES 785		
ACTIVITY	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS	REJECTION REASON	ENVELOPE/PROVIS	IONAL POLL PLACE	COUNTY VOTE CAST IN
02/19/2008	2008 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT	3	EARLY VOTING BALLOT	ACCEPTED			STARR COUNTY COURTHOUSE	STARR
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	Voter Nar		DR V	'UID 374585	RICHAR	D PEEL AVE	oter Addres ROMA 7858 RECINCT: 6	34 COUNTY: 2	14 -	
ACTIVITY	ELECTION NAME	ELECTION TYPE	PARTY	PRECINCT	BALLOT TYPE	BALLOT STATUS		ENVELOPE/PROV	/ISIONAL POLL PLACE	COUNTY VOTE CAST IN
02/18/2010	2010 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT		ABSENTEE BALLOT	RECEIVED		102785		STARR
02/20/2010	2010 DEMOCRATIC PRIMARY ELECTION	PRIMARY	DEMOCRAT	6	ABSENTEE BALLOT	RECEIVED		98967		STARR
03/09/2004	2004-MARCH 9TH GENERAL PRIMARY ELECTION	PRIMARY		6	ELECTION DAY BALLOT	ACCEPTED				STARR
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oter Infor	mation P	revious Nar	ne, Address 8	Status \	oter Participa	tion History	Audit History V	iew Corres.
ej./Canc.	History V	oter Election	n Ballot Style	Duplicat	e History			
	Voter ELODIA I		EDR 02/13/1998	VUID 10090758	600 N	ORTH FAIR	r Address GROUND ROAD APT 2 DE CITY 78582	
ACTIVITY DATE	ELECTION NAME	ELECTION TYPE	PARTY PRECI	NCT BALLOT	BALLOT STATUS		ENVELOPE/PROVISIONAL TRACKING ID	POLL COUN PLACE VOTE
11/07/2006	NOVEMBER 7 - GENERAL	GENERAL ELECTION	1	ELECTIC DAY BALLOT	N ACCEPTED			STAF
1/02/2004	2004 - NOVEMBER 2ND - GENERAL ELECTION	GENERAL ELECTION	1	ELECTIO DAY BALLOT	N ACCEPTED			STAF
03/09/2004	2004- MARCH 9TH GENERAL PRIMARY ELECTION	PRIMARY	1	ELECTIO DAY BALLOT	N ACCEPTED			STAR
1/05/2002	2002- NOVEMBER 5TH GENERAL ELECTION	GENERAL ELECTION	1	ELECTIO DAY BALLOT	N ACCEPTED			STAR
4/09/2002	2002 - APRIL 9TH PRIMARY RUNOFF ELECTION	PRIMARY RUN-OFF ELECTION	1	ELECTIO DAY BALLOT	N ACCEPTED			STAR
3/12/2002	2002 - MARCH 12TH GENERAL PRIMARY ELECTION	PRIMARY	1	ELECTIO DAY BALLOT	N ACCEPTED			STAR
	2000 - MARCH 14TH GENERAL PRIMARY ELECTION	PRIMARY	1	ELECTIO DAY BALLOT	N ACCEPTED			STAR
	1998 NOVEMBER 3RD GENERAL ELECTION	GENERAL ELECTION	1	ELECTION DAY BALLOT	N ACCEPTED			STAR
	1998 GENERAL PRIMARY ELECTION	PRIMARY	1	ELECTIOI DAY BALLOT	N ACCEPTED			STAR

Previous

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

AMERICAN CIVIL RIGHTS UNION,	§ ·	
in its individual and corporate capacities,	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 7:16-CV-00103
	§	
ELECTION ADMINISTRATOR	§	
JOHN RODRIGUEZ, in his official	§	
capacity; and TEXAS SECRETARY OF	§	
STATE ROLANDO PABLOS, in his	§	
official capacity,	§	
Defendants.	§	

ORDER GRANTING DEFENDANT RODRIGUEZ'S SECOND MOTION TO DISMISS

On this day, the Court considered Defendant Rodriguez's Second Motion to Dismiss ("Motion"). Following a review of Defendant's Motion, Plaintiff's response, and any reply thereto, the Court is of the opinion that Defendant's Motion is meritorious and should be GRANTED.

IT IS THEREFORE ORDERED that Defendant Rodriguez's Second Motion to Dismiss is hereby GRANTED, and all claims against Defendant Rodriguez are hereby DISMISSED WITH PREJUDICE.

It is SO ORDERED this	day of	, 2018
	HON. RICARDO H. UNITED STATES D	